

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, <i>ex rel.</i>	)	
State Engineer,	)	
	)	
Plaintiffs,	)	
	)	No. 69cv07941 BB-ACE
v.	)	Rio Chama Stream Adjudication
	)	
RAMON ARAGON et al.,	)	Section 7
	)	Subfile Nos.: CHCV-001-006,
Defendants.	)	CHCV-005-0005, CHCV-006-0006,
	)	CHCV-007-0007, CHCV-008-001

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**STATUS REPORT ON SETTLEMENT DISCUSSIONS CONCERNING THE  
JICARILLA APACHE NATION'S CLAIMS**

The Jicarilla Apache Nation ("Nation"), pursuant to the direction of the Special Master at the status conference held on December 14, 2004, hereby reports on the status of the Nation's review of the State of New Mexico's proposed consent orders on the Nation's claims and the settlement discussions between the Nation and the State.

1. Since the previous status conference on October 12, 2004, the Nation's legal counsel, staff and expert hydrologist have continued to evaluate the proposed consent orders proffered by the State in subfiles CHCV-001-006, CHCV-005-0005, CHCV-006-0006, CHCV-007-0007, and CHCV-008-001, and to formulate a response to the State for consideration and approval by the Nation's Legislative Council, the governing body of the Nation. The Nation's legal counsel have also continued to confer with counsel for the State regarding elements of the proposed consent decrees.

2. The Nation's legal counsel, Les Taylor, anticipated meeting with the Legislative Council in November or December 2004 to obtain approval of a response to the State. He accordingly advised counsel for the State that he expected to provide the State with the Nation's response by year end.

3. In November, Mr. Taylor had to undergo unexpected extended hospitalization and surgery related to his cancer. Due to Mr. Taylor's unavailability for several weeks around the surgery and subsequent recovery, and his limited availability during ongoing treatment, Mr. Taylor will not be able to meet with the Legislative Council until some time in January 2005. To allow the participation of Mr. Taylor, who has a long history and familiarity with the claims at issue, the Nation has revised its estimate of the time frame in which the Nation will formally respond to the State's proposed consent orders. The Nation now anticipates responding to the State by the end of January or mid-February 2005.

4. The Nation's Water Commission scheduled a meeting on December 16, 2004 to discuss with the Nation's legal counsel, Susan Jordan, the legal and technical review of the State's proposed consent orders. The Water Commission meeting was canceled for lack of a quorum and will be rescheduled for a day in January 2005 prior to, or in conjunction with, the meeting with the Legislative Council. The Water Commission consists of members of the Jicarilla Apache Nation appointed by the Legislative Council to provide recommendations to the Legislative Council on matters involving the Nation's water rights.

5. The Nation's expectation that these subfiles can be resolved through discussions with the State has not changed. The Nation will submit to the Special Master a proposed scheduling order

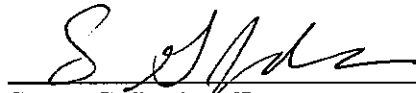
for these subfiles by the beginning of February 2005 for consideration at the status conference on February 10, 2005, as directed by the Special Master.

Dated this 21st day of December, 2004

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### **CERTIFICATE OF SERVICE**

I hereby certify that copies of the above Status Report on Settlement Discussions Concerning the Jicarilla Apache Nation's Claims were mailed by U.S. First Class mail to the following persons on December 21, 2004.

  
Susan G. Jordan, Esq.

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